

**UNITED STATES DISTRICT COURT  
DISTRICT OF MINNESOTA**

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United States of America,

Criminal No. 23-156 (SRN/TNL)

Plaintiff,

v.

**ORDER**

Desean James Solomon (01), and  
Michael Allen Burrell (04),

Defendants.

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Thomas Calhoun-Lopez, Esther Mignanelli, and David Green, United States Attorney's Office, District of Minnesota, 300 S. 4th St., Ste. 600, Minneapolis, MN 55415, for the United States

Thomas C. Plunkett, Attorney at Law, 101 E. 5th St., Ste. 1500, St. Paul, MN 55105, for Defendant Desean James Solomon

Steven E. Wolter, Kelley, Wolter & Scott, P.A. 431 S. 7th St., Ste. 2530, Minneapolis, MN 55415, for Defendant Michael Allen Burrell

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SUSAN RICHARD NELSON, United States District Judge

This matter is before the Court on the Report and Recommendation ("R&R") of United States Magistrate Judge Tony N. Leung dated February 2, 2024 [Doc. No. 212]. No objections<sup>1</sup> have been filed in the time period permitted. Having reviewed the R&R,

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<sup>1</sup> While co-defendant Alvin Calvin Noble (05) has filed an Objection [Doc. No. 215] to Magistrate Judge Leung's February 2, 2024 Order [Doc. No. 213], none of the defendants have objected to the R&R. The Court will rule on Mr. Noble's Objection to the February 2, 2024 Order in a separate order.

as well as all the files, records, and proceedings herein, the Court finds no clear error in the R&R. *See* Fed. R. Civ. P. 72(b); *Grinder v. Gammon*, 73 F.3d 793, 795 (8th Cir. 1996) (per curiam) (noting that where no objections have been filed, district court's review of R&R is for clear error).

Accordingly, **IT IS HEREBY ORDERED** that:

1. The Report and Recommendation [Doc. No. 212] is **ADOPTED**.
2. Defendant Solomon's Motion to Dismiss Count 2 of the Indictment for Duplicity or Alternative Relief [Doc. No. 112] is **DENIED**.
3. Defendant Solomon's Motion to Dismiss Count 3<sup>2</sup> of the Indictment for Duplicity or Alternative Relief [Doc. No. 156] is **DENIED**.
4. Defendant Burrell's Motion to Dismiss Count 2 for Duplicity, or in the Alternative, to Require the Government to Elect a Single Charge [Doc. No. 104] is **DENIED**.

Date: April 1, 2024

s/Susan Richard Nelson  
Susan Richard Nelson  
United States District Judge

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<sup>2</sup> As noted in the R&R, Mr. Solomon advised that the title of this motion contained an inadvertent typographical error, referring to Count 2, rather than Count 3. The Court refers to the correct count.